

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

SCOTT M. THORNTON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-08-732-D
)	
CHERYL CLEMONS, <i>et al.</i> ,)	
)	
Defendants.)	

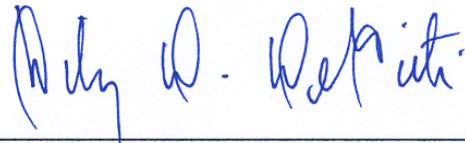
ORDER OF DISMISSAL

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Bana Roberts pursuant to 28 U.S.C. § 636(b)(1)(B). Upon initial review of Plaintiff's pleadings pursuant to 28 U.S.C. § 1915A(a), Judge Roberts recommends that this prisoner civil rights action under 42 U.S.C. § 1983 be dismissed without prejudice for failure to exhaust available administrative remedies as required by 42 U.S.C. § 1997e(a).

Plaintiff previously requested, and was granted, a 30-day extension of time to file an objection to the Report. In extending the filing deadline to January 22, 2009, the Court expressly reminded Plaintiff, who appears *pro se*: "Failure to file a written objection by that date will waive further review." *See* Order 1/6/09 [Doc. No. 13]. To date, however, Plaintiff has neither objected to the Report nor requested additional time to object. Thus, the Court finds that Plaintiff has waived further review of the issues addressed in the Report. Further, upon *de novo* consideration of the issues, the Court finds that Judge Roberts' analysis is correct and that this action should be dismissed without prejudice to refiling due to Plaintiff's failure to exhaust administrative remedies.

IT IS THEREFORE ORDERED that the Court adopts the Report and Recommendation [Doc. No. 11] in its entirety. This action is dismissed without prejudice to refiling pursuant to 28 U.S.C. § 1915A(b)(1) and § 1915(e)(2)(B)(ii).

IT IS SO ORDERED this 30th day of January, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE